

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DUSA PHARMACEUTICALS, INC. and
QUEEN'S UNIVERSITY AT KINGSTON,

Plaintiffs,

v.

NEW ENGLAND COMPOUNDING
PHARMACY, INC.,

Defendant.

Civil Action No. 04-12703 NMG

I. DEFENDANT'S LOCAL RULE 16.1(D)(3) CERTIFICATION

The undersigned counsel and New England Compounding Pharmacy, Inc. ("NECP") hereby certify that NECP and his counsel have conferred (a) with a view to establishing a budget for the costs of conducting the full course – and various alternative courses – of the litigation; and (b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

Respectfully Submitted

/s/ Greg Conigliaro

NEW ENGLAND COMPOUNDING
PHARMACY, INC.

By its attorneys,

/s/ Daniel M. Rabinovitz

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Dated: July 18, 2005

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